

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

STEELCASE, INC. a Michigan  
corporation,

Plaintiff,

v.

Case No.: 1:04cv0026  
Hon. Robert Holmes Bell  
Chief, U. S. District Judge

HARBIN'S INC., an Alabama  
corporation, MICHAEL G. HARBIN  
and HOPE D. HARBIN PATTERSON,

Defendants.

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**DEFENDANT MICHAEL G. HARBIN'S OBJECTION  
TO MOTION OF PLAINTIFF STEELCASE, INC.  
FOR LEAVE TO FILE REPLY BRIEF**

In the Reply of Plaintiff Steelcase, Inc. to Defendant's Brief in Opposition of Motion  
of Plaintiff Steelcase, Inc. to Amend Case Management Order, Plaintiff states at page 3:

Plaintiff requests the extension of time within which to amend  
the pleadings to allow for review of the deposition transcript for  
sufficient evidence to support an additional count against  
Defendant Harbin and to consider alternative sources for

providing the relevant records and **the legal effect of the destruction of nearly all corporate records...**(Emphasis added.)

This statement would lead the Court to believe that Defendant Michael G. Harbin ("Harbin") testified that he destroyed nearly all corporate records of Defendant Harbin's, Inc. That is simply **not true**.

Harbin testified that he conducted a going out of business sale on behalf of Defendant Harbin's, Inc.'s largest secured creditor who tightly controlled the sale. He testified that when he left Harbin's, Inc. on the last day of the going out of business sale, he left behind the corporate records which remained in the possession of the secured creditor. He testified that he believed that the records were probably "in the Montgomery County landfill" because he believed that is what the bank did with them.

It is misleading to suggest to this Court that Plaintiff Steelcase, Inc. ought to be allowed to file a reply brief based on an implication that Harbin destroyed the corporate records of Defendant Harbin's, Inc. because it simply is **not true**.

Dated: February 4, 2005

SILVERMAN, SMITH, BINGEN & RICE, P.C.  
Attorneys for Defendant Michael G. Harbin

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